

CALENDAR ITEM

C29

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04/23/15

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PRC 5405.1

M. Schroeder

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

John D. Brady, Trustee of the John D. and Judy V. Brady 1980 Revocable Living Trust as Amended and Restated December 13, 1990

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to Assessor's Parcel Number 092-180-008, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of a pier and boat lift.

LEASE TERM:

10 years, beginning May 14, 2010.

CONSIDERATION:

This lease provides that the Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease, and recommends that the rent be revised from \$1,389 per year to \$449 per year, effective May 14, 2015.

PROPOSED AMENDMENT:

Amend the Lease to replace the existing Site and Location Map in Section 3 with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only). All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee has the right to use the uplands adjoining the premises, which is owned by Cedar Flat Improvement Association (Association). The right granted to Lessee by the Association is limited to use and maintenance of the Lessee's pier and boat lift.

CALENDAR ITEM NO. **C29** (CONT'D)

2. On June 28, 2010, the Commission authorized a General Lease – Recreational Use to John D. Brady, Trustee of the John D. and Judy V. Brady 1980 Revocable Living Trust as Amended and Restated December 13, 1990, for a term of 10 years. The Lease will expire on May 13, 2020.
3. Staff conducted a rent review called for in the lease. Staff recommends the rent be reduced due to changes in the calculation of the impact area surrounding the pier.
4. The staff recommends that the Commission find that the subject approval of lease amendment and revision of rent does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c) (3), and 15378.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject approval of lease amendment and revision of rent is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060 subdivision (c) (3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 5405.1, a General Lease – Recreational Use, effective May 14, 2015, to replace the existing Site and Location Map in Section 3 with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only); all other terms and conditions of the lease will remain in effect without amendment.
2. Approve the revision of rent for Lease No. PRC 5405.1 from \$1,389 per year to \$449 per year effective May 14, 2015.

EXHIBIT A

PRC 5405.1

LAND DESCRIPTION

A parcel of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 28, Township 16 North, Range 17 East, M.D.M., as shown on Official Government Township Plat approved on November 10, 1865, County of Placer, State of California, described as follows:

All those lands underlying an existing pier, catwalk, and boat lift lying adjacent to that parcel described in Exhibit A of Grant Deed recorded on June 13, 2007 as document number 2007-0059496, Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 12/1/2014 by the California State Lands Commission Boundary Unit.



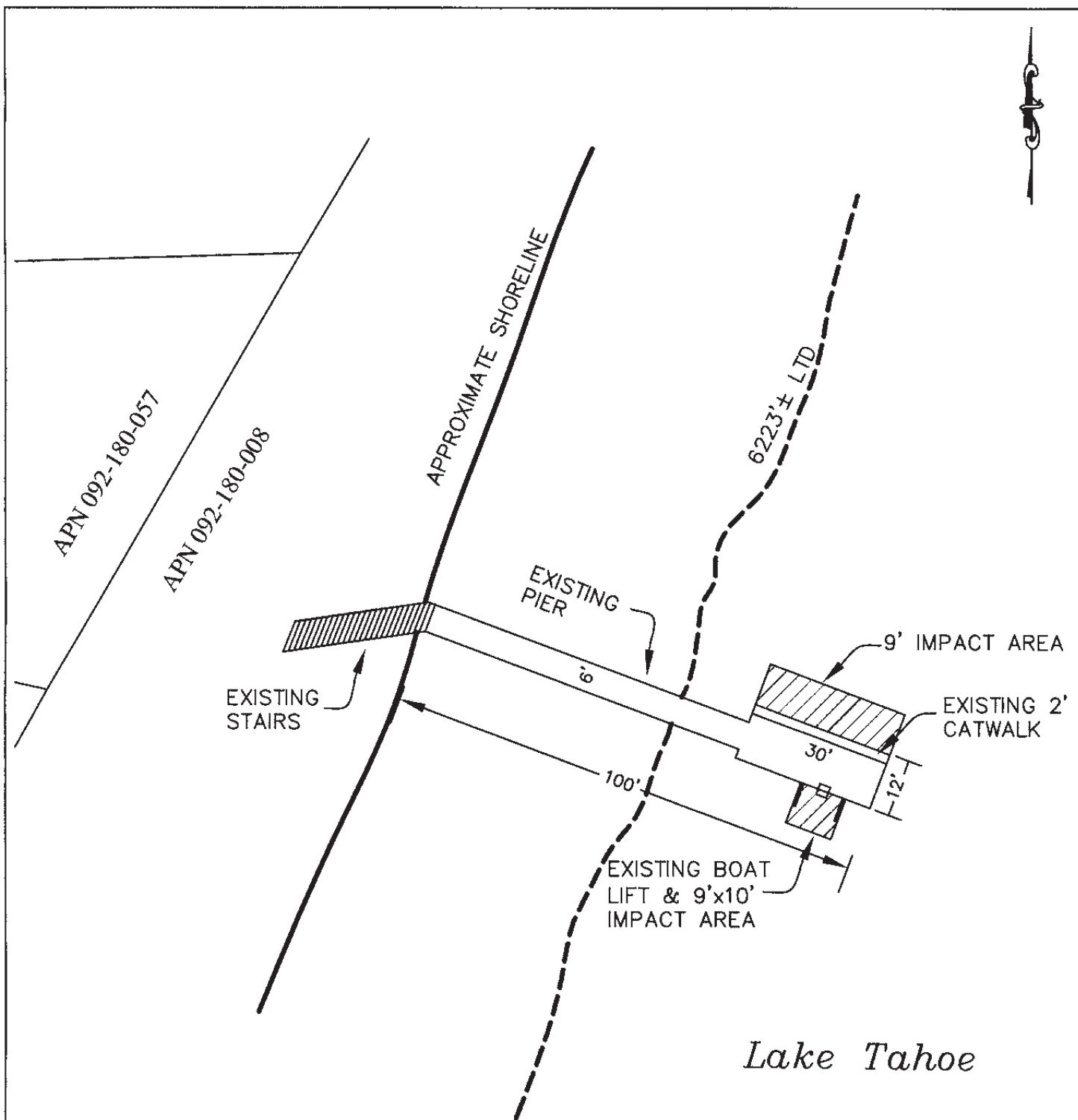


EXHIBIT A

Page 2 of 2

DJF 12/01/14

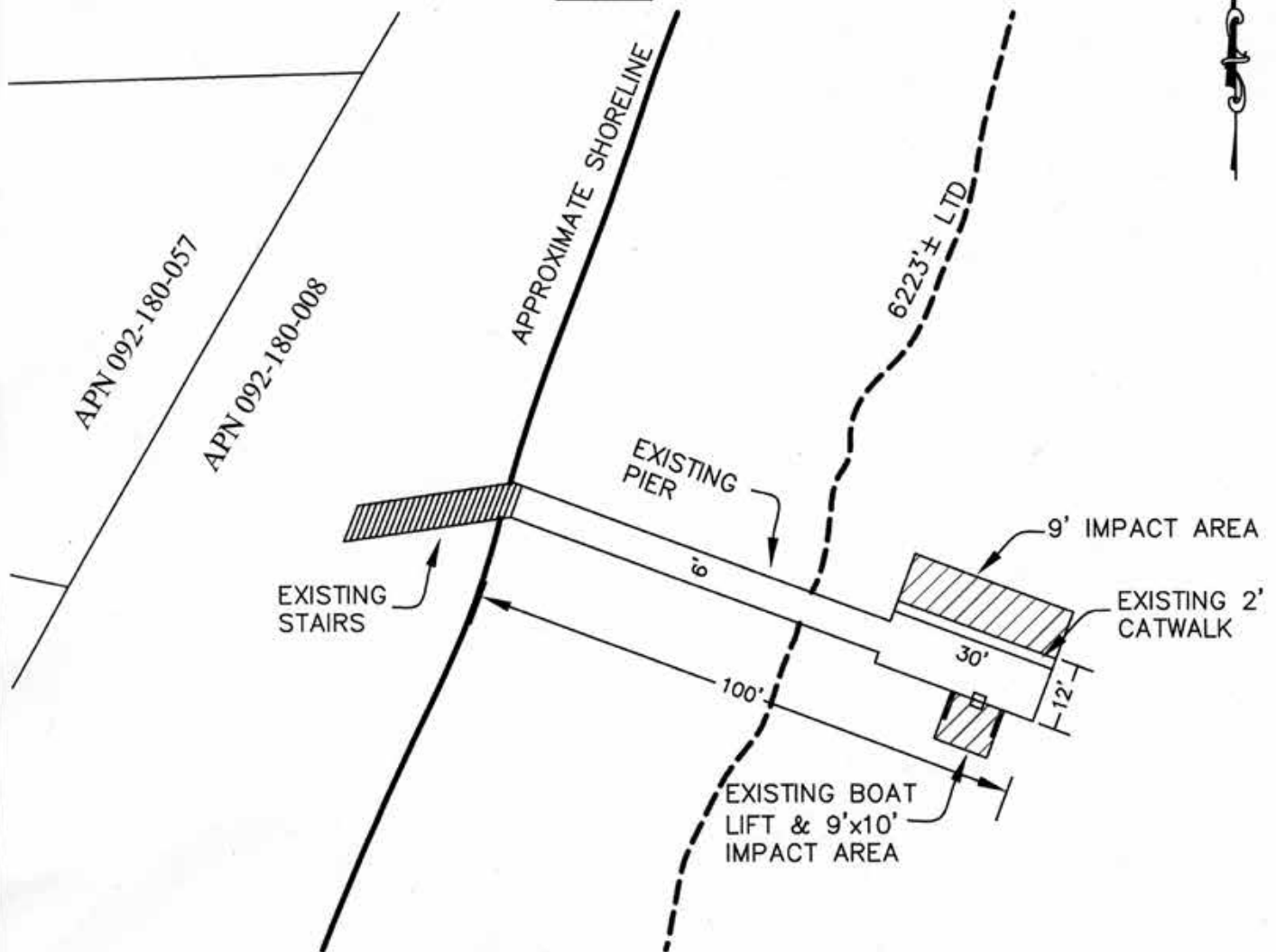
LAND DESCRIPTION PLAT
PRC 5405.1, BRADY TRUST
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

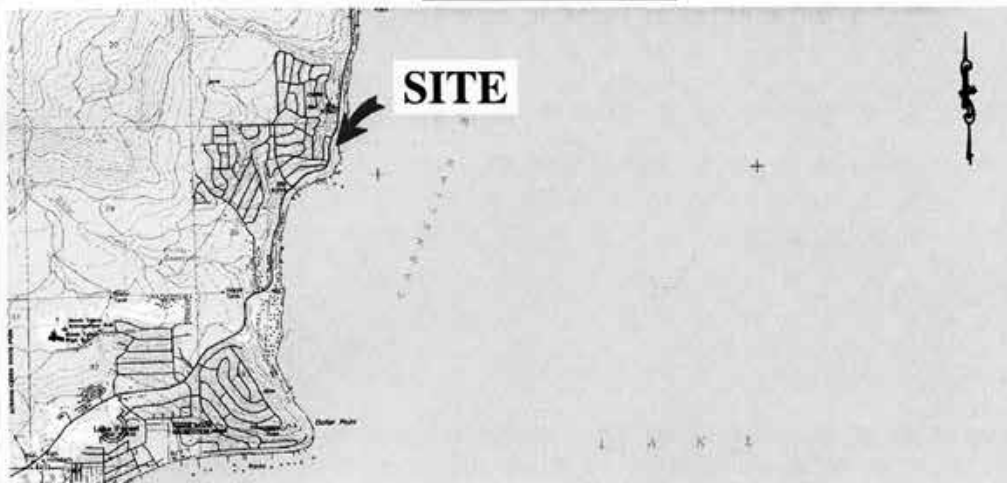
SITE



ADJACENT TO APN 092-180-008, NEAR CARNELIAN BAY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 5405.1
BRADY TRUST
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY

SITE



DJF 12/1/14